

APPLICANT(S): GLUKHOVSKY, Arkady et al.
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REMARKS

The present Amendment and Response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Status of Claims

Claims 1-40, 42-48, 51, 54 and 57 were previously canceled, and claims 41, 49, 50, 52, 53, 55, 56 and 58-68 are pending in this application. Claim 66 has been amended, and claims 41, 49, 50, 52, 53, 55, 56, 58-65 and 68 have been cancelled. Claims 69-74 have been added to clarify an embodiment of the invention.

Applicants assert that the amendments to the claims are not being made for reasons of patentability since, as discussed below, Applicants assert that claim 66 as pending prior to the current amendments is allowable over the cited prior art rejections of record. Thus the amendments to the claims are not subject to the complete bar against the use of the Doctrine of Equivalents as outlined in *Festo Corporation v. Shoketsu Kinsoku Kogyo Kapushiki Co., Ltd. a/ka/ SMC Corporation and SMT Pneumatics, Inc.*

No new matter has been added.

The Telephone Interviews

Applicants thank Examiners Lawrence Laryea and Eric Winakur for granting and attending the telephone interview which took place on April 14, 2009. Attending on the part of the Applicants was the undersigned.

During the April 14, 2009 telephone interview, proposed amendments were discussed. Independent claim 66 was discussed in light of US Patent 5,604,531. No agreement was reached.

On April 22, 2009, the undersigned and Examiner Laryea discussed further amendments to independent claim 66. No agreement was reached.

Drawings

On page 1 of the Office Action, the Examiner checked box 10, indicating the drawings, but did not make a specific comment regarding the drawings.

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In an April 22, 2009 telephone conversation between the undersigned and Examiner Laryea, Examiner Laryea indicated that this was a typographic error and no correction to the drawings is required.

35 U.S.C. § 103 Rejection/New Claims

In the Office Action, the Examiner rejected claims 41, 49, 50, 52, 53, 55, 56 and 58-68 under 35 U.S.C. § 103(a), as being unpatentable over Schentag et al (US 5,279,607 "Schentag") in view of Iddan et al (US 5,604,531 as previously cited "Iddan") furthering view of Fujita et al. (US 7,061,523 "Fujita").

Applicants respectfully traverse the rejections of claims 41, 49, 50, 52, 53, 55, 56 and 58-68 in view of the remarks that follow.

Claims 41, 49, 50, 52, 53, 55, 56, 58-65 and 68 have been cancelled without prejudice and therefore the rejection to these claims is now moot.

Applicants assert that claim 66 as pending prior to the current amendments is allowable over the cited prior art rejections of record.

Independent claim 66 as amended includes, *inter alia*:

detecting the presence of a receiver detachably connected by a cable to a recorder, the receiver receiving image signals from a plurality of antennas placed on a body;
upon detecting the presence of the receiver identifying the type of the receiver;
automatically adjusting operation of the recorder according to the type of receiver identified;
transferring data received by the receiver to the recorder; and
storing in the recorder data transferred from the receiver

The combination of Schentag, Iddan and Fujita does not teach or suggest at least the limitation of "Identifying the type of receiver."

The Examiner does not assert, and Iddan does not include, "automatically adjusting operation of the recorder according to the type of receiver identified". The Examiner asserted in the Office Action that Iddan identifies the type of antenna (Office Action, paragraph 5). The portion of Iddan to which the Examiner cites for adjusting the operation of a receiver based on the identification of an antenna teaches instead combining information from a plurality of receivers and the receivers detecting signals from the antennas. This does not imply identifying a receiver or adjusting the operation of a recorder.

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Schentag discusses the use of a plurality of antenna which feed tracking data to a remote receiver. The receiver then transmits the data to a data storage means. Shentag does not identify the type of a receiver, or adjust the operation of a recorder according to the type of receiver. Fujita is also silent with respect to identifying the type of receiver.

Therefore, amended independent claim 66 is allowable over any combination of the cited art. Each of claims 67 and new claims 69-74 includes all the features of claim 66 as well as additional distinguishing features, and is therefore similarly allowable.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §103(a) of claims 41, 49, 50, 52, 53, 55, 56 and 58-68 be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, Applicants assert that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any questions or comments as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

No fees are believed to be due associated with this paper. However, if any such fees are due, please charge such fees to deposit account No. 50-3355.

Respectfully submitted,


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